



Justin MacLean
Tel 212.801.3137
Fax 212.309.9537
Justin.MacLean@gtlaw.com

February 27, 2023

VIA ECF

The Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
500 Pearl Street, Courtroom 20D
New York, NY 10007-1312

MEMO ENDORSED.

Re: *The Sanborn Library LLC et al. v. ERIS Information Inc. et al.*, Case No. 1:19-cv-02049

Dear Judge Wang:

Pursuant to Sections I.a, III.d., and IV.a of Your Honor's Individual Practices, Defendants / Counterclaim-Plaintiffs ERIS Information Inc., Eco Log Environmental Risk Information Services Ltd., and ERIS Information Limited Partnership (collectively "ERIS"), through their undersigned counsel, write to respectfully request leave to (i) file all of their materials in support of ERIS' forthcoming motion for summary judgment *provisionally* under seal on a flash drive or disk, instead of through the Court's ECF system by the March 3, 2023 deadline; and (ii) formally file motions to seal only those materials that warrant confidential treatment, and publicly file the remaining materials, on ECF thirty-one (31) days later, by April 3, 2023, or at such time as the Court directs. ERIS has conferred with counsel for Plaintiff and Counter-Defendant The Sanborn Library LLC and Counter-Defendant Environmental Data Resources, LLC (collectively "EDR"), who consent to ERIS' request.

ERIS' motion is due on March 3, 2023. (ECF No. 224.) In support of its motion, ERIS intends to submit a memorandum of law, Rule 56.1 Statement of Undisputed Material Facts, and one or more declarations, attaching over 100 exhibits, including deposition testimony and documents that were designated Confidential or Highly Confidential – Outside Counsel's Eyes Only under the Protective Order (ECF 96) by ERIS or EDR. ERIS anticipates that compelling reasons exist to keep much of these materials under seal under the principles identified in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006) and *Bernstein v. Bernstein Litowitz Berger & Grossman LLP*, 814 F.3d 132 (2d Cir. 2016). However, due to the number of exhibits and other documents and the file size of many of them, and the risk of logistical and technical difficulties, ERIS respectfully submits that it would not be possible to efficiently file copies of those materials through the ECF system, while filing a properly supported application to seal those materials (where appropriate) at the same time.

Accordingly, ERIS requests that it be permitted to submit its memorandum of law, Rule 56.1 Statement of Undisputed Material Facts, declarations, and exhibits on a flash drive, as opposed to through the ECF system, as the Court has previously granted (ECF 150, 155); and that ERIS be permitted to file these materials under seal *on a provisional basis*. ERIS would serve EDR's counsel with copies of those materials concurrently with filing. ERIS further requests that it be given an

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additional thirty-one (31) days, until April 3, 2023, or such other time as the Court directs, to formally move to seal only those materials that warrant confidential treatment in conformity with Section IV.a of Your Honor's Individual Practices, and publicly file on ECF all other materials in support of its motion.

ERIS respectfully submits that proceeding in the above-described fashion would permit the parties to properly confer regarding the need to keep confidential materials under seal and provide appropriate explanations of that need, while being able to efficiently file its motion and supporting materials on March 3. We thank the Court for its consideration.

Respectfully submitted,

/s/ Justin A. MacLean

cc: Counsel of Record

Application **GRANTED**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ona T. Wang', with a large, stylized loop at the end.

Ona T. Wang
U.S.M.J.

3/1/23